

Notice of Allowability	Application No.	Applicant(s)	
	09/574,745	BARRY ET AL.	
	Examiner	Art Unit	
	Anh-Vu H. Ly	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed May 31, 2005.
2. ☒ The allowed claim(s) is/are 3-12, 14-15, and 22 renumbered as 1-13.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 8.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michele Liu on July 29, 2005.

The application has been amended as follows:

In The Claims

13. (Cancelled).

Allowable Subject Matter

2. Claims 3-12, 14-15, and 22 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or fairly suggest inserting and transmitting a control signal to a second node during the transmission of a data frame on the network, wherein the control signal is prioritized to be inserted in the data frame before any other queued data or control codes, and wherein an action is performed required by the control signal prior to waiting until the data frame has been fully received, as specified in independent claim 3.

The prior art does not teach or fairly suggest performing an action required by the control signal prior to waiting until the data frame has been fully received; and wherein the control signal is an 8B/10B encoded character, and wherein the timing error is corrected so that a clock

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jitter in the second node is approximately by the period of the 8B/10B encoded character, as specified in independent claim 14.

The prior art does not teach or fairly suggest inserting and transmitting a control signal to a second node during the transmission of a data frame on the network, wherein the control signal is prioritized to be inserted in the data frame before any other queued data or control codes, and wherein an action is performed required by the control signal prior to waiting until the data frame has been fully received, and wherein the control signal is a MAC layer encoded character, and wherein the timing error is corrected so that a clock jitter in the second node is approximately the period of the MAC layer encoded character, as specified in independent claim 22.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fischer et al (US Patent No. 2002/0163932 A1) discloses method of providing synchronous transport of packets between asynchronous network nodes in a frame-based communications network.

Eschholz (US Patent No. 6,278,718 B1) discloses a distributed synchronization system.

Edens et al (US Patent No. 6,611,537 B1) discloses synchronous network for digital media streams.

Weon (US Patent NO. 6,272,138 B1) discloses method and apparatus for reducing jitter or wander on internetworking between ATM network and PDH network.

Reynolds et al (US Pub 2003/0086442 A1) discloses clock recovery in a packet-based data network.


Ehrlich et al (US Patent No. 6,370,161 B1) discloses time synchronization of distributed computer telephony communication applications in a computer network.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2667 8/3/05